

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT
September 1, 2010
Elisabeth A. Shumaker
Clerk of Court

PENI COX, an individual,

Plaintiff-Appellant,

v.

RECONSTRUCT COMPANY, N.A.;
BANK OF AMERICA HOME LOANS
SERVICING; BANK OF AMERICA;
NEW LINE MORTGAGE; DIVISION
OF REPUBLIC MORTGAGE HOME
LOANS; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.,

Defendants-Appellees.

No. 10-4117
(D.C. No. 2:10-CV-00492-CW-SA)

ORDER

Before **TACHA** and **KELLY**, Circuit Judges.

This matter is before the court on plaintiff Peni Cox's "Motion for Stay of the District Court's Order to Dissolve the Preliminary Injunction While the Appeal is Pending." The court notes that the district court held a hearing August 31, 2010, at which it heard argument on plaintiff's motion for an injunction pending appeal, among other things. The district court deferred ruling on that motion until after it resolved the other matters, which it took under advisement.

Before seeking a stay pending appeal in this court, “[a] party must ordinarily move first in the district court for . . . an order suspending, modifying, restoring, or granting an injunction while an appeal is pending.” Fed. R. App. P. 8(a)(1)(C). Therefore, this court will await the district court’s ruling before addressing plaintiff’s stay motion. Within three days after the district court issues its ruling on the motion for an injunction pending appeal, plaintiff must notify this court of the ruling.

Entered for the Court,



ELISABETH A. SHUMAKER, Clerk